

UNITED STATES FEDERAL DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Case No. 04-10258 NG

ARTHUR PERNOKAS, and
DIANNE PERNOKAS,
Plaintiffs

v.

JOINT MOTION TO CONTINUE TRIAL

BARRIE PASTER, MD,
Defendant

The parties to the above-entitled action hereby request the Court to continue the trial currently scheduled to take place on September 11, 2006. As reasons:

1. This matter was scheduled to be tried on June 12, 2006;
2. The parties were prepared for a trial to take place on that date but at the Final Pre-Trial Conference on June 8, 2006 were informed that the Court could not accommodate the parties as scheduled and continued the trial to September 11, 2006, pending the availability of the parties' expert witnesses;
3. As it turns out, both of the plaintiffs' expert witnesses would be unavailable if the trial were to take place on September 11, 2006;
4. The parties and their expert witnesses, through counsel, have been attempting in good faith to agree on a trial date but the process has been complicated by the conflicting and busy schedules of the numerous doctors and lawyers involved;
5. Counsel continue to work together to pinpoint a workable trial date and expect to request the Court jointly, in the next several days, to reschedule the trial to take place on such a date in November or later in 2006, or early in 2007.

For all of the foregoing reasons, the parties jointly request the Court to continue the trial currently scheduled to take place on September 11, 2006 and accordingly to reschedule the Pre-Trial Conference now set to take place on September 7, 2006.

Respectfully,

The plaintiffs,
Arthur Pernokas and Dianne Pernokas,
By their attorney,

/s/ Robert C. Gabler
Robert C. Gabler, Esquire
BBO # 547227
175 Federal Street, Suite 1425
Boston, MA 02110
(617) 542-2121

The defendant,
Barrie Paster, MD,
By his attorney,

/s/ Charles P. Reidy, III
Charles P. Reidy, III, Esq.
BBO # 415720
101 Merrimac St.
Boston, MA 02114
(617) 227-3240